IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1946 OF 1994

Sam Hormusjee Dalal & Ors. ... Petitioners

Versus

Union of India & Ors. ...Respondents.

Mr. D.J. Khambatta with Mr. G. Patel and Mr. D. Javekar instructed by M/s. Hariani & Co. for the Petitioners

None for the Respondents.

CORAM: V.G. PALSHIKAR, Ag.C.J., &
D.B. BHOSALE, J.
DATE: NOVEMBER 14, 2005.

P.C.:-

1. By this petition, the petitioners pray for quashing of certain notices mentioned in the prayers.

2. The dispute raised by this petition is clearly covered by a judgment of this Court in *P.T. Anklesaria v. Union of India &* Ors., AIR 1980 Bom 9. The claim that it is open to the petitioners to recover the possession of the properties is not disputed by any of the respondents. In the circumstances, it

is necessary that in the present case also, the notices mentioned in prayer (b), item (i), are liable to be quashed and are hereby quashed.

3. It shall be open for the petitioners, now that the notices have been quashed, to file appropriate civil proceedings to seek possession of the properties covered by the notices. All defences will be open for the respondents to raise in such a suit, if and when filed.

4. The petition is accordingly disposed of.